

Practitioner's Docket No. BE7344PCT(US)

CHAPTER II

IN THE UNITED STATES ELECTED OFFICE (EO/US)

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|----------------------------------|-----------------------------|--------------------------------------|
| PCT/EP99/09194 | 26 November 1999 (26.11.99) | 27 November 1998 (27.11.98) |
| International Application Number | International Filing Date | International Earliest Priority Date |

TITLE OF INVENTION: IMPROVEMENTS IN OR RELATING TO REFRACTORY PRODUCTS

APPLICANT(S): Didier-Werke AG; LEE, Stephen John

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231
ATTENTION: EO/US

COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. section 371

This replies to the Notice of Missing Requirements under 35 U.S.C. section 371 and 37 C.F.R. section 1.495 (FORM PCT/DO/EO/905).

A copy of FORM PCT/DO/EO/905 accompanies this response.

08/20/2001 SNAJARRD 00000045 09856609
01 FC:154


130.00 OP

CERTIFICATION UNDER 37 C.F.R. section 1.10*

(Express Mail label number is **mandatory**.)
(Express Mail certification is optional.)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date **August 15, 2001**, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number **ET516933406US**, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Christine Goellner
(type or print name of person mailing paper)


Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. section 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).
"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

DECLARATION OR OATH

- I. No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

FEEs

- II. 1. Surcharge fees

Surcharge set forth in 37 C.F.R. section 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office.

\$130.00

Total Fees

\$130.00

EXTENSION OF TIME

- III. The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. section 1.136(a) apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

- IV. The total fee due is:

Completion fee(s) \$130.00

TOTAL FEE DUE \$130.00

PAYMENT OF FEES

- V. Enclosed is a check in the amount of \$130.00.

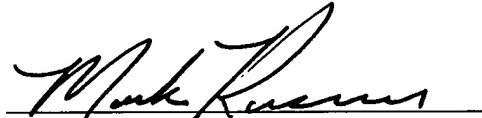
AUTHORIZATION TO CHARGE ADDITIONAL FEES

VI. The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 50-0537.

- * 37 C.F.R. section 1.492(a)(1), 1.492(a)(4) (filing fees)
- * 37 C.F.R. section 1.492(b), (c), and (d) (presentation of extra claims)
- * 37 C.F.R. section 1.17 (application processing fees)
- * 37 C.F.R. section 1.17(a)(1)-(5) (extension fees pursuant to section 1.136(a))
- * 37 C.F.R. section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. section 1.311(b)).
- * 37 C.F.R. section 1.492(e) and/or (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date).

Date: August 15, 2001

Reg. No.: 31,115
Tel. No.: 440-684-1090
Customer No.: 22203



Signature of Practitioner

Mark Kusner
Mark Kusner Co., LPA
Highland Place - Suite 310
6151 Wilson Mills Road
Highland Heights, OH 44143
US



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|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/856609 | LEE S | BE7344PCT |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/EP89/09194 | | |
| I.A. FILING DATE | PRIORITY DATE | |
| 28 NOV 99 | 27 NOV 98 | |

MARK KUSNER COMPANY LPA
HIGHLAND PLACE SUITE 310
6151 WILSON MILLS ROAD
HIGHLAND HEIGHTS, OH 44143

DATE MAILED

06 JUL 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

RECEIVED

JUL 09 2001

MARK KUSNER CO. LPA

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the international application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(g)).

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Tamala D. Holland

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-6483

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COPY